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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,573	07/13/2001	John Aram Safa	FORR 2275	2842

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EXAMINER	
HENNING, MATTHEW T	
ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/905,573	SAFA, JOHN ARAM	
	Examiner	Art Unit	
	MATTHEW T. HENNING	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2008*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27-29,31-44 and 46-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27-29,31-44 and 46-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

This action is in response to the communication filed on 2/28/2008.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/28/2008 have been fully considered but they are moot in view of the new grounds of rejection presented below, which was necessitated by the amendments to the claim language.

All rejections and objections not set forth below have been withdrawn.

Claims 1-26, 30, and 45 have been cancelled and claims 27-29, 31-44, and 46-50 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

Claims 27-28, 32, 35-38, 40, 42-44, 46, and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altberg et al. (US Patent Number 6,353,928) hereinafter referred to as Altberg, and further in view of Hewitt (US Patent Number 6,308,184).

Regarding claim 27, Altberg disclosed a computer readable medium having an executable application recorded thereon (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43), the executable application comprising a program (See Altberg Fig. 2 Element 205 and Col. 6 Lines

41-43), one or more encrypted sub-routines (See Altberg Fig. 2 Element 220 File 1 – File N and Col. 6 Lines 1-3 and Col. 7 Lines 18-20), and a decryption routine (See Altberg Col. 7 Lines 21-25), wherein the program is executed in response to execution of the executable application by a computer system (See Altberg Col. 6 Lines 50-54), the program requires access to the sub-routines during execution (See Altberg Col. 6 Lines 63-65), and the decryption routine is operable during execution of the application to detect whether a required sub-routine is already available within the computer system (See Altberg Col. 7 Lines 7-10), to cause the program to use the sub-routine within the computer system if already available (See Altberg Col. 7 Lines 26-35), and to decrypt the required encrypted sub-routine into an executable form if the sub-routine is not already available within the computer system (See Altberg Col. 7 Lines 13-25), at least when access to the sub-routine is required by the program (See Altberg Col. 7 Lines 13-25), but Altberg failed to specifically disclose that the program was loaded into random access memory of the computer system to be executed, or that while the program was present in RAM loading the sub-routine available in the system or the decrypted sub-routine into the RAM for use by the program.

Hewitt teaches that it is typical that when an process (program) executing in RAM requests the use of a DLL file, the system checks to see if the DLL is available and if not it retrieves it from storage, and the DLL is loaded into RAM for use by the process (See Hewitt Col. 1 Lines 38-65).

It would have been obvious to the ordinary person skilled in the art at the time of invention to have employed the teachings of Hewitt in the DLL installation system of Altberg by loading the DLLs into RAM when requested by an application executing in RAM. This would

have been obvious because the ordinary person skilled in the art at the time of invention would have been motivated to make the DLLs available to applications in the manner typical of the art.

Regarding claim 37, Altberg disclosed a computer system operable to execute an executable application, the system including: first store means containing computer readable code representing the executable application (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43); second store means containing computer readable code representing one or more sub-routines (See Altberg Fig. 2 Element 215 and Col. 6 Paragraph 1); loading means operable to load the code of the executable application for execution (See Altberg Col. 6 Lines 50-65), the executable application comprising: a program which requires access to one or more sub-routines during execution (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43), the sub-routines required by the program in encrypted form (See Altberg Fig. 2 Element 220 File 1 – File N and Col. 6 Lines 1-3 and Col. 7 Lines 18-20); identifying means operable to identify the sub-routines required by the program during execution thereof (See Altberg Col. 7 Lines 7-10); and second loading means operable during execution of the application to load from the second store means the sub-routines identified by the identifying means (See Altberg Col. 7 Lines 26-35) and to decrypt and load one or more encrypted sub-routines in the event that sub-routines identified by the identifying means are not contained in the second store means (See Altberg Col. 7 Lines 13-25), but Altberg failed to specifically disclose that the program was loaded into random access memory of the computer system to be executed, or that while the program was present in RAM loading the sub-routine available in the system or the decrypted sub-routine into the RAM for use by the program.

Hewitt teaches that it is typical that when an process (program) executing in RAM requests the use of a DLL file, the system checks to see if the DLL is available and if not it retrieves it from storage, and the DLL is loaded into RAM for use by the process (See Hewitt Col. 1 Lines 38-65).

It would have been obvious to the ordinary person skilled in the art at the time of invention to have employed the teachings of Hewitt in the DLL installation system of Altberg by loading the DLLs into RAM when requested by an application executing in RAM. This would have been obvious because the ordinary person skilled in the art at the time of invention would have been motivated to make the DLLs available to applications in the manner typical of the art.

Regarding claim 43, Altberg disclosed a method of installing a piece of computer software, comprising: providing an executable application which includes a program, one or more encrypted sub-routines, and a decryption routine operable to decrypt the encrypted sub-routines into an executable form, wherein the program requires access to the sub-routines during execution and the decryption routine decrypts the encrypted sub-routines into an executable form at least when access is required by the program (See the rejection of claim 27 above), installing the executable application (See Altberg Col. 6 Lines 50-52), commencing execution of said program (See Altberg Col. 6 Lines 63-65), operating the decryption routine during execution of the application to decrypt the encrypted copy of the sub-routines (See Altberg Col. 7 Lines 13-25), and installing the decrypted copies of the sub-routines for access by said program (See Altberg Col. 7 Lines 13-25), but Altberg failed to specifically disclose that the program was loaded into random access memory of the computer system to be executed, or that while the

program was present in RAM loading the sub-routine available in the system or the decrypted sub-routine into the RAM for use by the program.

Hewitt teaches that it is typical that when an process (program) executing in RAM requests the use of a DLL file, the system checks to see if the DLL is available and if not it retrieves it from storage, and the DLL is loaded into RAM for use by the process (See Hewitt Col. 1 Lines 38-65).

It would have been obvious to the ordinary person skilled in the art at the time of invention to have employed the teachings of Hewitt in the DLL installation system of Altberg by loading the DLLs into RAM when requested by an application executing in RAM. This would have been obvious because the ordinary person skilled in the art at the time of invention would have been motivated to make the DLLs available to applications in the manner typical of the art.

Regarding claim 49, Altberg disclosed a computer readable medium having an executable application recorded thereon, the executable application comprising a program, one or more encrypted sub-routines, and a decryption routine, wherein the program is executed in response to execution of the executable application, the program requires access to the sub-routines during execution, and the decryption routine is operable during execution of the application of the application to decrypt the encrypted sub-routines into an executable form at least when access to the sub-routines is required by the program (See the rejection of claim 27 above), and wherein the one or more sub-routines are shared sub-routines that may be accessed by a further program when decrypted (See Altberg Col. 7 Paragraph 1), but Altberg failed to specifically disclose that the program was loaded into random access memory of the computer system to be executed, or

that while the program was present in RAM loading the sub-routine available in the system or the decrypted sub-routine into the RAM for use by the program.

Hewitt teaches that it is typical that when an process (program) executing in RAM requests the use of a DLL file, the system checks to see if the DLL is available and if not it retrieves it from storage, and the DLL is loaded into RAM for use by the process (See Hewitt Col. 1 Lines 38-65).

It would have been obvious to the ordinary person skilled in the art at the time of invention to have employed the teachings of Hewitt in the DLL installation system of Altberg by loading the DLLs into RAM when requested by an application executing in RAM. This would have been obvious because the ordinary person skilled in the art at the time of invention would have been motivated to make the DLLs available to applications in the manner typical of the art.

Regarding claims 28, 38, and 44, Altberg and Hewitt disclosed that the decryption routine is executed whenever the program is executed (See Altberg Col. 6 Lines 50-54).

Regarding claims 32, 40, and 46, Altberg and Hewitt disclosed that the decryption routine is operable to discriminate between different versions of a sub-routine and to decrypt an encrypted copy of a sub-routine in the event that the version of the encrypted sub-routine differs from the version of the sub-routine available within the system (See Altberg Abstract).

Regarding claims 35, 42, and 48, Altberg and Hewitt disclosed that the encryption and decryption include or consist of compression or decompression techniques (See Altberg Col. 7 Lines 13-25).

Regarding claim 36, see the rejection of claim 27 above.

Claims 29, 31, 39, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altberg and Hewitt as applied to claim 27 above, and further in view of Caron et al. (US Patent Number 5,586,328), hereinafter referred to as Caron.

Altberg and Hewitt disclosed use of shared sub-routines in an application and installation of any shared sub-routines not already available (See the rejection of claim 27 above) but failed to specifically disclose how the shared sub-routines are located during runtime of the program.

Caron teaches that during initialization of an application an entry in an address table should be made to identify the location of a sub-routine, the address table being accessible by the program for locating sub-routines for access when required (See Caron Col. 12 Line 66 – Col. 13 Line 27).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Caron in the installation system of Altberg and Hewitt by populating an address table with the locations of the required files. This would have been obvious because the ordinary person skilled in the art would have been motivated to provide a means for the application to located the required files during execution.

Claims 33-34, 41, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altberg and Hewitt as applied to claim 27 above, and further in view of Shen (US Patent Number 6,611,850).

Altberg and Hewitt disclosed installation and execution of an application in which missing required files are installed (See Rejection of claim 27 above) but failed to disclose providing an encrypted backup copy of the application to be decrypted and installed in the event that the original application was missing or determined to be corrupt.

Shen teaches a method for protecting files by providing a backup encrypted copy of the file which is decrypted in the event that that original file is missing or corrupt (See Shen Col. 3 Lines 5-24).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Shen in the installation system of Altberg and Hewitt by creating an encrypted backup file of the application and using the backup to restore the application in the event that the file was found to be missing or corrupt. This would have been obvious because the ordinary person skilled in the art would have been motivated to provide protection against accidental deletion of the application, malfunction, or infection by a computer virus.

Conclusion

Claims 27-29, 31-44, and 46-50 have been rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW T. HENNING whose telephone number is (571)272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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